

STATE OF VERMONT
BENNINGTON COUNTY, SS.

BENNINGTON SUPERIOR COURT
DOCKET NO. _____

KEVIN FARNAN)

V.)

ERIC HOWLEY,)
BRIAN E. TURNER, and UNNAMED)
LAW ENFORCEMENT OFFICERS)

287-8-08

2:08 CV 211

BENNINGTON SUPERIOR COURT

COMPLAINT

NOW COMES Kevin Farnan, by and through his attorneys, Langrock Sperry & Wool, LLP, and complains as follows:

1. On September 24, 2005, Plaintiff Kevin Farnan, a resident of New York State, attended a wedding at the West Mountain Inn, in the Town of Arlington, County of Bennington, State of Vermont.
2. Upon information and belief, Defendants Sgt. Brian E. Turner and Trooper Eric Hawley of the Shaftsbury barracks of the Vermont State Police responded to a call from the wedding.
3. Upon information and belief, Defendant Unnamed Law Enforcement Officers, who are members of the Bennington Police Department, Bennington Sheriff's Department, Manchester Police Department, Arlington Police Department, and Vermont State Police, also responded to the call.
4. Plaintiff was handcuffed.
5. Thereafter, the individual Defendants and Defendant Unnamed Law Enforcement Officers beat Plaintiff severely, repeatedly punching, kicking, striking with a flashlight, tasing

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and spraying with pepper spray while Plaintiff was handcuffed, shackled and restrained on the ground.

6. Defendants either participated in the beating, or witnessing it, failed to take reasonable steps to intercede.

7. Defendants' acts were committed willfully, wantonly and maliciously, and motivated by evil motive or intent.

8. Defendants' acts were recklessly and/or callously and/or deliberately indifferent to Plaintiff's rights under the United States Constitution.

9. As a direct and proximate result of the acts described above, Plaintiff has been damaged, which damage includes severe physical injury, pain and suffering, severe emotional and mental distress, medical expenses, lost wages, and other compensatory damages.

10. Defendants, acting under color of state law, deprived Plaintiff of his right to be free from unreasonable seizures under the Fourth Amendment of the United States Constitution, and used excessive force within the meaning of the Fourth Amendment, for which Defendants are liable in their individual capacities to Plaintiff under 42 U.S.C. 1983.

11. Unnamed Law Enforcement Officers is a fictitious name, intended to represent officers who committed, participated in, failed to intercede or otherwise encouraged the above acts but who have not yet been identified. Plaintiff reserves the right to name these Defendants when their identities are learned.

WHEREFORE, Plaintiff Kevin Farnan demands judgment and award against Defendants, or against all or some of these Defendants, in the amount of his damages, together with interest, costs, and such other relief as Defendant is entitled to under the law and as the Court may deem just and proper, including statutory attorneys' fees and punitive damages.

DATED at Middlebury, Vermont, this 7 day of August, 2008.

LANGROCK SPERRY & WOOL, LLP

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